

By: Estes

S.B. No. 1357

A BILL TO BE ENTITLED

AN ACT

relating to the redemption and impoundment of estrays.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 142.004, Agriculture Code, is amended to read as follows:

Sec. 142.004. REDEMPTION. (a) The owner of the estray may redeem the estray from the owner or occupant of public or private property if:

(1) the owner of the estray and the owner or occupant of the property agree to a redemption payment amount and the owner or occupant of the property receives the redemption payment from the owner of the estray; or

(2) a justice court having jurisdiction determines the redemption payment amount under Section 142.006 and gives the owner of the estray written authority to redeem the estray [~~by the payment of fees and damages as provided by this chapter~~].

(b) If the owner of the estray does not redeem the estray not later than the fifth day [~~within a reasonable time~~] after the date of notification, the sheriff or the sheriff's designee shall [~~at the request of the property owner,~~] proceed immediately with the impoundment process prescribed by Section 142.009 [~~of this code~~]. During that period, the estray may not be used for any purpose by the owner or occupant of the property.

SECTION 2. Section 142.006(a), Agriculture Code, is amended

1 to read as follows:

2 (a) The owner or occupant of [~~A person on whose~~] property on  
3 which an estray is found is entitled to receive from the owner of  
4 the estray the payment of a reasonable amount for maintenance and  
5 damages, if the original notice of the discovery of the estray was  
6 given to the sheriff not later than the fifth day after the date of  
7 discovery.

8 SECTION 3. Section 142.009(a), Agriculture Code, is amended  
9 to read as follows:

10 (a) The sheriff or the sheriff's designee shall impound an  
11 estray and hold it for disposition as provided by this chapter if:

- 12 (1) the owner of the estray is unknown;
- 13 (2) the sheriff or the sheriff's designee is unable to  
14 notify the owner;
- 15 (3) the estray is dangerous to the public;
- 16 (4) the estray is located on public property and after  
17 notification is not immediately removed by the owner; or
- 18 (5) the estray is located on public or private  
19 property and is not redeemed not later than the fifth day [~~within a~~  
20 ~~reasonable time~~] after the date of notification.

21 SECTION 4. Section 142.014, Agriculture Code, is amended to  
22 read as follows:

23 Sec. 142.014. RECOVERY BY OWNER OF PROCEEDS OF SALE. Not  
24 later than the 180th day [~~Within one year~~] after the date of sale of  
25 an estray under this chapter, the original owner of the estray may  
26 recover the net proceeds of the sale if:

- 27 (1) the owner has provided the sheriff with an

1 affidavit of ownership containing the information prescribed by  
2 [~~Subsection (b) of~~] Section 142.010(b) [~~142.010 of this code~~];

3 (2) the sheriff has approved the affidavit;

4 (3) the approved affidavit has been filed in the  
5 estray records of the county clerk; and

6 (4) the sheriff has signed a county voucher directing  
7 the payment.

8 SECTION 5. Section 142.006(c), Agriculture Code, is  
9 repealed.

10 SECTION 6. The change in law made by Section 142.014,  
11 Agriculture Code, as amended by this Act, applies only to a sale of  
12 an estray occurring on or after the effective date of this Act. A  
13 sale of an estray occurring before the effective date of this Act is  
14 subject to the law in effect on the date of the sale, and that law is  
15 continued in effect for that purpose.

16 SECTION 7. This Act takes effect September 1, 2011.